

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

July 19, 2005

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Stephen Barrington, Velma Boyd-Lawson, David Camacho, and Chris Malone as were Town Manager Williams, Deputy Town Manager O'Donnell, Planning Director Russell, Planner Sary, Planner Ayers, Public Works Director Barton, Engineering Director Keravuori, Town Engineer Spring, and Town Attorney Knight. Commissioner Rob Bridges was absent.

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that Town Clerk Wilson had received an e-mail from Mr. Ryan Hutchinson at the Seminary requesting the Item 7.C. - Case RZ-05-11 be removed from the agenda (copy of e-mail on the following page).

ACTION: Commissioner Camacho made a motion to approve the agenda as amended. Commissioner Malone seconded the motion, which carried unanimously (4-0).

2. Approval of minutes.

Mayor Jones reported that in the June 21, 2005 minutes on Page 14 that two additional Conditions should be added: No. 8 & 9.

A. Meetings held June 7, 2005 (Work Session and Joint Public Hearings), June 12, 2005 (Budget Work Session), and June 21, 2005 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Barrington made a motion to approve the minutes of meetings held June 7, 2005 (Work Session and Joint Public Hearings), June 12, 2005 (Budget Work Session), and June 21, 2005 (Regular Board of Commissioners Meeting) with the amendments to the June 21, 2005 Regular Board of Commissioners Meeting. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

3. Presentations.

None.

4. Public hearings/Public Comment.

A. Public hearing and approval of ordinance for contiguous annexation submitted by BST, Incorporated for property located off Oak Grove Church Road and Jeanne Street comprising 74.02 acres.

At 7:09 p.m., Mayor Jones opened the public hearing for contiguous annexation submitted by BST, Incorporated for property located off Oak Grove Church Road and Jeanne Street comprising 74.02 acres.

At 7:10 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Action on Item 4.A. - Approve ordinance for the contiguous annexations submitted by BST Incorporated for property located off Oak Grove Church Road and Jeanne Street, comprising 74.02 acres.

ACTION: Commissioner Barrington made a motion to approve the contiguous annexation submitted by BST, Incorporated for property located off Oak Grove Church Road and Jeanne Street comprising 74.02 acres. Commissioner Camacho seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2005-36

**ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA**

(Body of ordinance contained in Ordinance Book 18)

C. Public Comment.

Mayor Jones recognized the following person(s) who spoke:

Ms. Jonnie Anderson, who said she was the outgoing Chairperson of the Downtown Revitalization Corporation (DRC) and wanted to thank the Board of Commissioners for their commitment/financial support for the past two (2) years. She also thanked the Board of Commissioners for its support of the Renaissance Plan and their commitment to proceed with it, the updates to the appearance standards and a new urban code, support for the Street Enhancement Plan, and the police department's assistance with the parking issues at the Farmers Market downtown.

Mr. Bob Polanco, President of Prominence Homes, 504 Elm Avenue, who spoke concerning the sign ordinance in relation to real estate signs. He reported that he

is the developer of the Avondale Townhomes on South Franklin Street. Eighty-five (85%) percent of the traffic is brought in by those signs. He said that small builders

like himself cannot hope to compete with the large national builders and their advertising budgets. Rules banning the signs play into the hands of the large builders who see those local ordinances as suppressing competition from small builders. Mr. Polanco said that the national builders' plan is to consolidate the market under their control. He said that he learned this during the twelve (12) years that he headed Beazer Homes locally. It is the small builder who brings the quality of life, the niche building. That signage is our life blood.

5. **Consent Agenda.**

ACTION: Commissioner Boyd-Lawson made a motion to approve the Consent Agenda Items as presented. Commissioner Malone seconded the motion, which carried unanimously (4-0).

- A. Approval of tax releases (documentation on file in Town Clerk's Office).**
- B. Approval of resolution declaring certain property surplus and authorizing its disposal by the Town Manager in accordance with N.C.G.S. 160A-267, 160A-270 and 160A-274 resulting in the following resolution:**

RESOLUTION 2005-61

RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL BY THE TOWN MANAGER

(Body of resolution contained in Resolution Book 22)

560129	1990 Chevrolet C70 Dump Truck	1GBM7D1F4LV103652	\$27,251.17
580014	1989 Chevrolet C70 Leaf Truck	1GBG7D1F5KV11044	24,418.46
510220	Chico (K-9)		9,800.00
061681	Mobile Vision MV5		250.00
061682	Mobile Vision MV5		250.00

- C. Approval of request received from the Downtown Revitalization Corporation (DRC) to close East Owen Avenue from South White Street to South Brooks Street, the South White Street Parking Lot No. 1 (gazebo) and Wait Avenue from South White Street west to the railroad tracks from 8:00 a.m. until 6:00 p.m. on Saturday, September 10, 2005 for the second Annual Autumn Arts Festival (copy of letter on following page).**
- D. Approval of Membership Agreements with the North Carolina League of Municipalities for Property/Liability Insurance Pool (Interlocal Risk Financing Funds of North Carolina); Workers' Compensation Insurance Pool (Interlocal Risk Management Agency) and Municipal Insurance Trust of North Carolina (MIT) resulting in the following resolutions:**

RESOLUTION 2005-62

RESOLUTION APPROVING THE INTERLOCAL AGREEMENT
FOR A GROUP SELF-INSURANCE POOL FOR PROPERTY
AND LIABILITY RISK SHARING BY THE NORTH CAROLINA
LEAGUE OF MUNICIPALITIES RISK MANAGEMENT SERVICES

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-63

RESOLUTION APPROVING THE INTERLOCAL AGREEMENT
FOR A GROUP SELF-INSURANCE POOL FOR
WORKERS' COMPENSATION RISK SHARING BY THE
NORTH CAROLINA LEAGUE OF MUNICIPALITIES
RISK MANAGEMENT SERVICES

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-64

RESOLUTION APPROVING INTERLOCAL AGREEMENT
FOR A GROUP SELF-INSURANCE POOL FOR BENEFIT
RISK SHARING BY THE NORTH CAROLINA LEAGUE OF
MUNICIPALITIES RISK MANAGEMENT SERVICES

(Body of resolution contained in Resolution Book 22)

- E. Approval of bids received to purchase ninety-six (96) gallon Solid Waste Carts and forty-eight (48) gallon Recycling Carts for Town residents per Solid Waste Contract approved on June 21, 2005 for carts for trash/recycling pick-up (copy on following page) with the price as listed below:**

96 Gallon	\$46.50 each	\$ 302,250
48 Gallon	\$37.70 each	<u>245,050</u>

Total Purchase \$ 547,300

- F. Approval of amendment to the Fee Schedule: Solid Waste Fees for Trash/Recycling pick-up effective September 1, 2005 resulting in the following ordinance:**

ORDINANCE 2005-37

ORDINANCE AMENDING SOLID WASTE FEES OF THE
FEE SCHEDULE OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)

Current Fee = \$ 14.67/month
Breakdown as follows:
\$11.66 Residential Recycling/Garbage
(Recycling = bi-weekly)
\$3.01 Yard Waste collection

Proposed Fee: \$ 14.60/month
Breakdown as follows:
\$12.00 Residential Recycling/Garbage
(Recycling = weekly)
\$1.36 Cart Costs (Town provided
containers)
\$1.24 Administrative Costs (Relative
Personnel costs)

6. Legislative Items.

A. Consideration of approval of appointment of members to the Downtown Revitalization Corporation (DRC).

ACTION: Commissioner Camacho made a motion to approve the appointment of members to the Downtown Revitalization Corporation (DRC) Board of Directors. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0) resulting in the following resolution:

RESOLUTION 2005-65

**RESOLUTION APPOINTING MEMBERS TO THE
DOWNTOWN REVITALIZATION CORPORATION (DRC)
BOARD OF DIRECTORS**

(Body of resolution contained in Resolution Book 22)

Michelle Morgan	Downtown resident
David Williams	Wake Electric (downtown business)
Rich Williams	Connect2 Communications (downtown business)
Christiana Walkley	Appleton (Avondale - downtown business)
Agnes Wanman	Town of Wake Forest Planning Department

7. Planning Items.

A. Consideration of approval of Case SU-05-05: A request filed by Heritage Spring, LLC for a special use permit for a multi-family development (townhomes) to be located in the Wildflower Subdivision (3800 block of Rogers Road), being Tax PIN 1749-87-6572.

ACTION: Commissioner Barrington made a motion to approve Case SU-05-05: A request filed by Heritage Spring, LLC for a special use permit for a multi-family development (townhomes) to be located in the Wildflower Subdivision (3800 block of Rogers Road) as recommended by the Planning Board based on the findings of fact.

Commissioner Malone seconded the motion, which carried unanimously (4-0).

- Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the site is appropriately zoned (C.U. R-5) to allow multi-family developments through a special-use permit; and, site density is within the allowable density of the R-5 Zoning District; and, the site will have access to public streets with direct access to a major thoroughfare (Rogers Road).
- Finding 2: The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that municipal water and sewer service will be available to the site; and, the site is located within the Town's corporate limits and municipal services will be provided; and the site will have pull-out trash containers for refuse disposal; and, the site is located adjacent to and will have access to Heritage View Trail, Crimson Clover Avenue and Rogers Road all public roads capable of handling the traffic pertaining to this development.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development will provide buffering, screening, and landscaping as required by the Town ordinances. The proposed use is a multi-family residential development (town homes) which is allowed by a special-use permit in the R-5, Residential-5 District, and is adjacent to the north and east by similar multi-family uses.
- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the adjacent public roads will be designed and built to accommodate the proposed use; and, the proposed development will have access on to Heritage View Trail and Crimson Clover Avenue, and indirectly; Rogers Road, all of which are public roads and capable of handling traffic generated with this development.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed development is a residential use to which noise, dust, and gasses are not normally associated; and, all vehicle access areas will be paved alleviating potential dust problems.
- Finding 6: The proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed use is similar to other multi-family uses currently approved on neighboring properties within the Wildflower Subdivision.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the Town of Wake Forest Land Use Management Plan supports a residential

use for this location; and, multi-family residential developments are allowed in

the R-5, Residential-5 District through special-use permit; and, the proposed development offers an optional housing type for the Wake Forest Community.

Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing town policies, in that the master plan submitted with the special-use permit application complies with the requirements of the zoning ordinance; and, the proposed development will comply with all policies and ordinances, including dimensional and other zoning ordinance requirements of the R-5, Residential-5 District.

B. Consideration of approval of Case RZ-05-10: A request filed by Charles Sites to rezone 7.4 acres from HB, Highway Business District to Conditional Use I, Industrial for property located at 1600, 1601, and 1609 Heritage Commerce Court, being Tax PINs 1840-32-2222, 1840-31-4975 and 1840-31-4710.

ACTION: Commissioner Camacho made a motion to approve Case RZ-05-10: A request filed by Charles Sites to rezone 7.4 acres from HB, Highway Business District to Conditional Use I, Industrial for property located at 1600, 1601, and 1609 Heritage Commerce Court as recommended by the Planning Board subject to the conditions as listed below. Commissioner Barrington seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2005-38

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA**
(Body of ordinance contained in Ordinance Book 18)

1. All of the permitted uses in the Highway Business District shall be allowed.
2. Light assembly and wholesale uses shall be allowed.
3. Future uses shall be limited to the level supported by the amount of parking provided.

C. Consideration of approval of Case RZ-05-11: A request filed by Southeastern Baptist Theological Seminary to rezone 1.21 acres from R-15, Residential-15 District to ICD, Institutional Campus Development for property located at 367 and 377 Durham Road, being Tax PINs 1841-31-0567 and 1841-21-7529).

Note: This item was withdrawn from the agenda for consideration (copy of e-mail from Ryan Hutchinson with Southeastern Baptist Theological Seminary on following page).

- D. Consideration of approval of Case RZ-05-12: A request filed by Emma Pergerson to rezone one (1) acre from RD, Rural Holding District to NB, Neighborhood Business District for property located at 717 Forestville Road, being Tax PIN 1840-51-0477.**

ACTION: Commissioner Malone made a motion to approve Case RZ-05-12: A request filed by Emma Pergerson to rezone one (1) acre from RD, Rural Holding District to NB, Neighborhood Business District for property located at 717 Forestville Road as recommended by the Planning Board. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0) resulting in the following ordinance:

ORDINANCE 2005-39

ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)

- E. Consideration of approval of Case ZA-05-04: Consideration of amendment to the Wake Forest Zoning Ordinance Article VIII. Special Uses - Section 12.1 Planned Unit Developments.**

ACTION: Commissioner Camacho made a motion to approve Case ZA-05-04: Consideration of amendment to the Wake Forest Zoning Ordinance Article VIII. Special Uses - Section 12.1 Planned Unit Developments as recommended by the Planning Board. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

ORDINANCE 2005-40

ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)

- F. Consideration of approval to enter into a contract with North Carolina Department of Environment and Natural Resources for a grant award in the amount of \$15,000 (*Implementation of a Scheduled Street Maintenance Program for Wake Forest's Urban Forest*).**

ACTION: Commissioner Malone made a motion to enter in a contract with North Carolina Department of Environment and Natural Resources for a grant award in the amount of \$15,000 (*Implementation of a Scheduled Street Maintenance Program for Wake Forest's Urban*

Forest). Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

G. Consideration of approval of design consultant for the Streetscape Enhancement Project for South White Street.

ACTION: Commissioner Barrington made a motion to approve the design consultant of Allison Platt and Associates for the Streetscape Enhancement Project for South White Street not to exceed \$56,000. Commissioner Camacho seconded the motion, which carried unanimously (4-0).

8. Administration and Financial Items.

A. Consideration of approval of resolution establishing H.O.P.E. Program.

ACTION: Commissioner Malone made a motion to approve a resolution establishing the H.O.P.E. Program which is a utility (electric) assistance program for the Town of Wake Forest. Commissioner Barrington seconded the motion, which carried unanimously (4-0) resulting in the following resolution:

RESOLUTION 2005-66

**RESOLUTION ESTABLISHING A UTILITY (ELECTRIC) ASSISTANCE
PROGRAM HELPING OTHERS BY PROVIDING ENERGY (H.O.P.E.)
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of resolution contained in Resolution Book 23)**

1. The Town will accept both one-time and regular donations from residential and commercial electric customers.
2. The program will be administered through a partnership between the Town of Wake Forest and ChurchNet, a local non-profit organization assisting people in need. The Customer Service Supervisor will be the coordinator of the program.
3. All proceeds will be directed to ChurchNet who will determine qualifications for assistance. 100% of the funds will be utilized to pay Town of Wake Forest electric bills.
4. Contributions from customers towards the H.O.P.E. program will be tax deductible.

9. Public Services Items.

A. Consideration of approval of a proposal from Power Secure to provide management services for four (4) electric generating sets provided to five (5) new commercial customers (documentation on file in Town Clerk's Office).

ACTION: Commissioner Boyd-Lawson made a motion to approve a proposal from Power Secure to provide management services for four (4) electric generating sets provided to five (5) new commercial customers in the amount of \$852.00/month. Commissioner Barrington seconded the motion, which carried unanimously (4-0).

B. Consideration of approval of proposal from Power Secure to provide four (4) electric generating sets to five (5) new commercial customers (documentation on file in Town Clerk's Office).

ACTION: Commissioner Boyd-Lawson made a motion to approve a proposal from Power Secure to provide four (4) electric generating sets to five (5) new commercial customers in the amount of \$291,443. Commissioner Camacho seconded the motion, which carried unanimously (4-0).

C. Consideration of approval of Soil & Erosion Control Ordinance.

ACTION: Commissioner Camacho made a motion to submit Wake County Standards for consideration as the Town's standards and bring it back for a public hearing. Commissioner Barrington seconded the motion and the vote was as follows:

<u>Aye</u>	<u>Nay</u>
Commissioner Bridges	Commissioner Boyd-Lawson
Commissioner Camacho	
Commissioner Barrington	
Commissioner Malone	

D. Consideration of approval of request for annexation submitted by Frank and Beth Baum of 1149 North Main Street.

No action was taken on this item.

10. Parks and Recreation Items.

None.

11. Public Safety Items.

None.

12. Other Business.

Town Clerk Wilson requested that she be excused from the mid-year Retreat which will be held on Saturday, August 27, 2005 due to the North Carolina Association of Municipal Clerks' Annual Conference being held that same weekend.

Consensus of the Board of Commissioners was to excuse Town Clerk Wilson from the retreat in order for her to attend the Clerks' Annual Conference.

13. Adjournment.

ACTION: At 8:14 p.m., Commissioner Camacho made a motion to continue the meeting to August 2, 2005 at 5:00 p.m. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (4-0).

Town Clerk

Mayor